

Docket No.: 2257-0156P
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Koichi TAKEUCHI

BEFORE THE BOARD OF APPEALS

Application No.: 09/633,778

Confirmation No.: 3857

Filed: August 7, 2000

Art Unit: 2623

For: DIGITAL BROADCAST RECEIVING
SYSTEM

Examiner: J. R. Sheleheda

REPLY BRIEF

MS Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Appellant submits herewith a Reply Brief as required by 37 C.F.R. § 1.192. This Brief on Appeal responds to the Examiner's Answer dated March 19, 2007.

For clarity, the issues presented in the Appeal Brief filed November 7, 2006, will be repeated, and the Reply to the Examiner's Answer will correspond structurally to the arguments section in the Appeal Brief.

I. ISSUE ON APPEAL

The issue to be resolved in this application is:

1) Whether claims 1, 6, 8-11, 16, 20, 25, 27-30, 33, 35, 36, and 38-41 are unpatentable under 35 U.S.C. §103(a) over Blatter et al. (U.S. 6,016,348) (hereinafter "Blatter") in view of Ohishi et al. (U.S. 5,909,257) (hereinafter "Ohishi").

2) Whether claims 7, 14, 15, 19, 26, 31, 32, 34, 37, 42, and 43 are unpatentable under 35 U.S.C. §103(a) over Blatter and Ohishi as applied to claims 1, 11, 20, 30, 33, 35 and 41 above, and further in view of Freimann (U.S. 6,604,243) (hereinafter "Freimann").

II. NEW POINTS OF ARGUMENT RAISED BY THE EXAMINER'S ANSWER

Appellant is providing this Reply Brief to respond to new points of argument raised in the Examiner's Answer. Appellant does not disagree with paragraphs (1) - (8) of the Examiner's Answer. The specific new points of argument that are raised in paragraph (10) to which the Appellant disagrees are as follows:

1. The Examiner introduces new support for the purported obviousness of an information table generator that substitutes a specific value for a PID value to generate a PMT. Appellants' response to this assertion is discussed in paragraph A below.
2. The Examiner introduces new arguments for the purported obviousness of a recording section for recording a program information index generated based on information contained in various information tables which are extracted from the packet stream. Appellants' response to this assertion is discussed in paragraph B below.
3. The Examiner introduces new supports for the purported obviousness of altering a program number. Appellants' response to this assertion is discussed in paragraph C below.

III. REPLY

A. **The Examiner Introduces New Support in Asserting that Ohishi discloses an Information Table Generator that Substitutes a Specific Value for a PID Value to Generate a PMT.**

In response to Appellants' arguments that Ohishi fails to teach or suggest an information table generator that substitutes a specific value for a PID value to generate a PMT, the Examiner

now asserts that Fig. 6C (described in col. 6, lines 15-21) in comparison with previously indicated Fig. 18 (described in col. 11, lines 29-65) disclose the above-identified claim feature.¹ Appellants respectfully disagree with the Examiner's interpretation of the cited portions of Ohishi.

Ohishi discloses within the "DETAILED DESCRIPTION OF PREFERRED EMBODIMENTS" section of the disclosure, at col. 6, lines 15-21 as follows:

FIGS. 6C, 6D, and 6E show the PMTs of the TV programs #1, #2 and #3, respectively. More in detail, for example, FIG. 6C shows the PMT indicating that TPs of audio data 1, audio data 2, video data and a program clock reference value (PCR) are located the PIDs "10", "11", "12" and "15", respectively. The same explanation goes to FIGS. 6D and 6E.

In reviewing the disclosures set forth above, there simply is no teaching or suggestion in Ohishi that discloses an information table generator that substitutes a specific value for a PID value to generate a PMT. PSSI represents a program specification subsidiary information, whereas a PMT represents a program map table. As previously submitted in the Appeal Brief, at col. 11, lines 29-65, Ohishi merely discloses that instead of PAT and PMT as PSI, program specification subsidiary information (PSSI) is recorded as a specific PID packet where the PSSI merely defines PID of a default of each packet. Accordingly, Appellant respectfully submits that PSSI cannot be interpreted as the same table as PMT as alleged by the Examiner.

B. The Examiner Introduces New Arguments for the purported obviousness of a Recording Section for Recording a Program Information Index Generated based on Information Contained in various Information Tables, which are Extracted from the Packet Stream.

In response to Appellant's arguments that Blatter and Ohishi fail to teach a recording section for recording a program information index generated based on information contained in various information tables, the Examiner now introduces new arguments that "Appellants characterization of the transmission and storage of PSI information disclosed in Blatter is incorrect, as it goes against the basic transmission method utilized by the MPEG standard."² It is

¹ See page 4, first full paragraph of the Examiner's Answer.

² See page 7, lines 2-3 of the Examiner's Answer.

respectfully submitted that the Examiner is misinterpreting the claim language. Appellant again submits that with respect to independent claims 11 and 30, the combination of Blatter and Ohishi also fails to disclose or suggest a recording section for recording a program information index generated based on information contained in various information tables, which are extracted from the packet stream. The Examiner argues that the “full PSI”, as disclosed in Blatter, is assembled over time and thus meets the above-identified claim feature. Appellant respectfully submits that the entire reference is silent on whether the “full PSI” is assembled over time. Blatter merely discloses that a controller 115 captures in its internal memory the PAT, PMT, NIT and CAT data that comprises the full PSI of the transport datastream input to system 25. As previously submitted in the Appeal Brief, the full PSI is a table that is received intact (see column 7, lines 58-63 stating that the received packet contains the PSI which is simply buffered in unit 60). Thus, even if the PSI is equivalent to the claimed program information index, Blatter does not generate this PSI based on information contained in various information tables which are extracted from the packet stream. Instead, Blatter merely buffers the PSI and performs no generation of a program information index as claimed.

C. **The Examiner Introduces New Supports for the Purported Obviousness of Altering a Program Number.**

In response to Appellant's arguments that Ohishi fails to teach or suggest alteration of the program number as recited in claim 16, the Examiner now asserts that at col. 11, lines 29-65, Ohishi explicitly discloses the above-identified claim feature.³ Appellant respectfully disagrees with the Examiner's interpretation of the cited portions of Ohishi. Particularly, the Examiner merely alleges that the claim does not define what program number is to be altered. Thus, the Examiner contends that Ohishi clearly reads upon the claim limitations. Appellant respectfully disagrees with the Examiner's contention that the claim does not define what program number is to be altered. Claim 16 clearly recites, *inter alia*, “said information table generator has a function with which the value of a program number of program **recorded in said record and reproduction unit** is subjected to an arbitrary alteration, to generate said predetermined

³ See page 8, section f of the Examiner's Answer.


information table.” Thus, it is respectfully submitted that the claim clearly defines that the program number corresponds to the program recorded in the record and reproduction unit. As previously submitted in the Appeal Brief, without any disclosure or suggestion for altering the PID value, the applied art simply cannot disclose or suggest the claimed information table generator or output information insertion unit as now recited in independent claim 16. Furthermore, it is respectfully submitted that claim 16 requires altering both PID and program number which is not taught by any of the applied references.

IV. CONCLUSION

Appellant relies on the arguments set forth in Appellant's Appeal Brief for those issues the Examiner has merely repeated those assertions set forth in her claim rejections. For all of the reasons set forth above, each of the rejections in the Examiner's Answer dated November 20, 2006, is improper. It is therefore respectfully requested that the Examiner be reversed on all grounds.

Dated: May 14, 2007

Respectfully submitted,

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